

1 A bill to be entitled
 2 An act relating to employment of the homeless;
 3 amending s. 220.02, F.S.; specifying the order for
 4 applying the tax credit for employment of the
 5 homeless; amending s. 220.13, F.S.; redefining the
 6 term "adjusted federal income" to include an
 7 adjustment for such tax credit; creating s. 220.197,
 8 F.S.; providing definitions; providing a tax credit
 9 for a corporation that hires a homeless person
 10 residing in a transitional, permanent supportive, or
 11 permanent housing facility; specifying the information
 12 that must be provided to the Department of Revenue
 13 when applying for the credit; providing for the
 14 carryover of unused credits; requiring that the
 15 application be filed with the department by a
 16 specified date each year; providing penalties for
 17 fraudulently claiming the tax credit; limiting the
 18 total amount of tax credits that may be granted per
 19 taxable year; authorizing the department to adopt
 20 rules; providing for the expiration of the tax credit;
 21 requiring that the department collect certain data;
 22 providing an effective date.

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 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Subsection (8) of section 220.02, Florida
 27 Statutes, is amended to read:
 28 220.02 Legislative intent.—

29 (8) It is the intent of the Legislature that credits
 30 against either the corporate income tax or the franchise tax be
 31 applied in the following order: those enumerated in s. 631.828,
 32 those enumerated in s. 220.191, those enumerated in s. 220.181,
 33 those enumerated in s. 220.183, those enumerated in s. 220.182,
 34 those enumerated in s. 220.1895, those enumerated in s. 220.195,
 35 those enumerated in s. 220.184, those enumerated in s. 220.186,
 36 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 37 those enumerated in s. 220.185, those enumerated in s. 220.1875,
 38 those enumerated in s. 220.192, those enumerated in s. 220.193,
 39 those enumerated in s. 288.9916, those enumerated in s.
 40 220.1899, those enumerated in s. 220.1896, those enumerated in
 41 s. 220.194, ~~and~~ those enumerated in s. 220.196, and those
 42 enumerated s. 220.197.

43 Section 2. Paragraph (a) of subsection (1) of section
 44 220.13, Florida Statutes, is amended to read:

45 220.13 "Adjusted federal income" defined.—

46 (1) The term "adjusted federal income" means an amount
 47 equal to the taxpayer's taxable income as defined in subsection
 48 (2), or such taxable income of more than one taxpayer as
 49 provided in s. 220.131, for the taxable year, adjusted as
 50 follows:

51 (a) Additions.—There shall be added to such taxable
 52 income:

53 1. The amount of any tax upon or measured by income,
 54 excluding taxes based on gross receipts or revenues, paid or
 55 accrued as a liability to the District of Columbia or any state
 56 of the United States which is deductible from gross income in

57 | the computation of taxable income for the taxable year.

58 | 2. The amount of interest which is excluded from taxable
 59 | income under s. 103(a) of the Internal Revenue Code or any other
 60 | federal law, less the associated expenses disallowed in the
 61 | computation of taxable income under s. 265 of the Internal
 62 | Revenue Code or any other law, excluding 60 percent of any
 63 | amounts included in alternative minimum taxable income, as
 64 | defined in s. 55(b)(2) of the Internal Revenue Code, if the
 65 | taxpayer pays tax under s. 220.11(3).

66 | 3. In the case of a regulated investment company or real
 67 | estate investment trust, an amount equal to the excess of the
 68 | net long-term capital gain for the taxable year over the amount
 69 | of the capital gain dividends attributable to the taxable year.

70 | 4. That portion of the wages or salaries paid or incurred
 71 | for the taxable year which is equal to the amount of the credit
 72 | allowable for the taxable year under s. 220.181. This
 73 | subparagraph shall expire on the date specified in s. 290.016
 74 | for the expiration of the Florida Enterprise Zone Act.

75 | 5. That portion of the ad valorem school taxes paid or
 76 | incurred for the taxable year which is equal to the amount of
 77 | the credit allowable for the taxable year under s. 220.182. This
 78 | subparagraph shall expire on the date specified in s. 290.016
 79 | for the expiration of the Florida Enterprise Zone Act.

80 | 6. The amount taken as a credit under s. 220.195 which is
 81 | deductible from gross income in the computation of taxable
 82 | income for the taxable year.

83 | 7. That portion of assessments to fund a guaranty
 84 | association incurred for the taxable year which is equal to the

85 amount of the credit allowable for the taxable year.

86 8. In the case of a nonprofit corporation which holds a
87 pari-mutuel permit and which is exempt from federal income tax
88 as a farmers' cooperative, an amount equal to the excess of the
89 gross income attributable to the pari-mutuel operations over the
90 attributable expenses for the taxable year.

91 9. The amount taken as a credit for the taxable year under
92 s. 220.1895.

93 10. Up to nine percent of the eligible basis of any
94 designated project which is equal to the credit allowable for
95 the taxable year under s. 220.185.

96 11. The amount taken as a credit for the taxable year
97 under s. 220.1875. The addition in this subparagraph is intended
98 to ensure that the same amount is not allowed for the tax
99 purposes of this state as both a deduction from income and a
100 credit against the tax. This addition is not intended to result
101 in adding the same expense back to income more than once.

102 12. The amount taken as a credit for the taxable year
103 under s. 220.192.

104 13. The amount taken as a credit for the taxable year
105 under s. 220.193.

106 14. Any portion of a qualified investment, as defined in
107 s. 288.9913, which is claimed as a deduction by the taxpayer and
108 taken as a credit against income tax pursuant to s. 288.9916.

109 15. The costs to acquire a tax credit pursuant to s.
110 288.1254(5) that are deducted from or otherwise reduce federal
111 taxable income for the taxable year.

112 16. The amount taken as a credit for the taxable year

113 pursuant to s. 220.194.

114 17. The amount taken as a credit for the taxable year
 115 under s. 220.196. The addition in this subparagraph is intended
 116 to ensure that the same amount is not allowed for the tax
 117 purposes of this state as both a deduction from income and a
 118 credit against the tax. The addition is not intended to result
 119 in adding the same expense back to income more than once.

120 18. The amount taken as a credit for the taxable year
 121 under s. 220.197.

122 Section 3. Section 220.197, Florida Statutes, is created
 123 to read:

124 220.197 Tax credit for employment of the homeless.-

125 (1) As used in this section, the term:

126 (a) "Continuously employed" means that an employee has
 127 worked for the corporation for at least 80 hours during each 30-
 128 day period and has been employed at least 6 months after the
 129 date that the employee began working for the corporation on or
 130 after July 1, 2012.

131 (b) "Homeless person" means an individual whose primary
 132 nighttime residence is a transitional, permanent supportive, or
 133 permanent housing facility.

134 (c) "Transitional, permanent supportive, or permanent
 135 housing facility" means a facility located in the state that is:

136 1. A supervised, publicly or privately operated shelter
 137 that is designed to provide temporary living accommodations,
 138 including welfare hotels, congregate shelters, and transitional
 139 housing for the mentally ill, and that receives federal homeless
 140 assistance funding distributed by the United States Department

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141 of Housing and Urban Development.

142 2. An emergency shelter that receives county homeless
143 assistance funding.

144 (2) For taxable years beginning on or after January 1,
145 2013, a tax credit of \$1,000 shall be allowed to a corporation
146 against any corporate income tax due under this chapter if the
147 corporation hires a homeless person who resides in an emergency
148 shelter or a transitional, permanent supportive, or permanent
149 housing facility at the time he or she begins employment and who
150 remains continuously employed by the corporation for at least 6
151 months. The tax credit may be taken only once per new employee.

152 (3) Upon applying for the credit, the corporation must
153 provide the department with the following information:

154 (a) For each new employee for whom the credit is claimed:

155 1. The employee's name, social security number, and
156 current address or, if the employee is no longer employed, the
157 last known address of the person while employed by the
158 corporation.

159 2. The address of the transitional, permanent supportive,
160 or permanent housing facility where the employee was residing at
161 the time he or she began employment and documentation from the
162 facility which demonstrates that the employee qualified for and
163 was residing at the facility at the time he or she began
164 employment.

165 3. The salary or hourly wages paid to the new employee
166 during the taxable year.

167 (b) The total salary or hourly wages paid during the
168 taxable year to each employee who is still employed by the

169 corporation and for whom the tax credit was claimed in a
170 previous taxable year.

171 (4) If the credit is not fully used in any one year, the
172 unused amount may be carried forward for up to 5 years. The
173 carryover credit may be used in a subsequent year if the tax
174 imposed by this chapter exceeds the credit for the year after
175 applying any other credits and unused credit carryovers in the
176 order provided in s. 220.02(8).

177 (5) The corporation applying for the credit must
178 affirmatively demonstrate to the satisfaction of the department
179 that it meets the requirements in this section. An application
180 must be filed with the department by February 1 of each year for
181 an allocation of the previous year's credit. The application
182 must show that all of the requirements in this section were met
183 during the previous calendar year.

184 (6) Any person who fraudulently claims the credit is
185 liable for payment of the credit, plus a mandatory penalty in
186 the amount of 200 percent of the credit and interest at the rate
187 provided in s. 220.807, and commits a felony of the third
188 degree, punishable as provided in s. 775.082, s. 775.083, or s.
189 775.084.

190 (7) The total amount of tax credit that may be granted
191 under this section is \$2 million per calendar year. If the total
192 amount of tax credit for applications submitted in a given
193 calendar year exceeds \$2 million, the amount of tax credit per
194 applicant shall be granted on a pro rata basis. If the full
195 amount of the tax credit is not allowed due to the \$2 million-
196 annual limitation, the balance shall be allowed in the following

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197 tax year. The amount not allowed in the previous tax year shall
198 be allowed in full before the pro rata allocation of tax credit
199 in the next tax year.

200 (8) The department may adopt rules and forms to administer
201 this section.

202 (9) This section expires December 31, 2017, except for
203 subsections (3) and (8), which expire December 31, 2023. In
204 determining whether to reenact this section, the Legislature
205 shall consider whether the revenue generated from wages paid to
206 qualifying employees outweighs the cost to the state in terms of
207 the amount of taxes waived. The department shall collect and
208 maintain data relating to the total amount of wages paid to
209 employees for whom a tax credit has been claimed in order to
210 assist the Legislature in making its determination.

211 Section 4. This act shall take effect July 1, 2012.